

Case: United States v. Mario Arnaldo Henriquez  
05 Cr. 1314 (KMK)

Date: October 31, 1989

Participants: Judge  
Patricia Shepard- INS Attorney  
Eva Clark- Defense Counsel

Abbreviations: U/I = Unintelligible  
(ph) = Phonetic Spelling  
// = Voices overlap  
sl = Sounds like

1 Judge: This is the Immigration Court of Boston, October 31, 1989.  
2 Immigration Judge Kenneth A. U/I on the deportation file U/I  
3 A12345175, Mario Arnaldo Henriquez. On behalf of the  
4 Immigration Services, Patricia Shepard, General Attorney Boston,  
5 Mass. Ma'am, are you appearing on behalf of this respondent.

6 Clark: Yes, I am.

7 Judge: Alright, may I have your Notice of Appearance please?

8 Clark: U/I

9 Judge: Okay, I'll put it down over here.

10 Clark: U/I

11 Judge: Appearing on behalf of the respondent is Eva Clark, of ah, 30 Julian  
12 Street.

13 Clark: U/I

14 Judge: Dorchester, Mass. Alright. I'm gonna put the A-number in here on  
15 your Notice of Appearance.

16 Clark: I wasn't exactly certain.

17 Judge: Okay. I'll insert it now. 175. The Order to Show Cause is dated May  
18 9, 1989. That'll be Exhibit 1. Do you concede proper service of that?

19 Clark: Yes, sir.

20 Judge: Have you discussed with your client the nature and purpose of these  
21 proceedings and his rights in these proceedings?

22 Clark: Um, no I haven't your Honor. I haven't even gotten the case. I was  
23 just U/I yesterday. And, um, we did not have that information. U/I  
24 lost his papers. U/I

25 Judge: Okay. He lost the Order to Show Cause?

1 Clark: Okay.

2 Judge: Alright. Do you have an extra copy of that Ms. Shepard?

3 Shepard: U/I what U/I

4 Judge: Well it's alleged that the respondent is a native and citizen of  
5 Ecuador, who entered the United States in 1961 in Miami, Florida,  
6 who's admitted as a lawful permanent resident at that time and that  
7 he was convicted March of 1986 of conspiracy to distribute cocaine  
8 and possession with intent to distribute in violation of United States  
9 law. And so they're saying that he's deportable under section  
10 241A11 of the Act. Um.

11 Clark: U/I

12 Judge: You don't. Okay. I'll get a copy of this for you. Well, how much  
13 time are you gonna need to speak with your client, to ah, plead to the  
14 allegations here? This matter's been pending about 5 months before  
15 the Court here, and I'd like to take the pleading this morning. Let's  
16 go off the record, and get a copy of this for you.

17 Back on the record.

18 Clark: U/I before this Court on seven seventeen. U/I

19 Judge: Right.

20 Clark: Before the court now U/I

21 Judge: Okay. So do you have any objection for continuance for preparing  
22 this? A brief continuance.

23 Clark: I think U/I Your Honor.

24 Judge: Well, that was my position. I thought you were saying you don't, uh,

25 Clark: No. Uh, I think that U/I I think that U/I time.

26 Judge: Okay. What I'll do is give you a copy of the Order to Show Cause

1 and I'm going to take some of the other cases. That'll give you some  
2 time//

3 Clark: Okay. I would appreciate that.

4 Judge: Okay. Sure. And uh, what I intend to do is find out if he admits or  
5 denies the allegations in there.

6 Clark: U/I

7 Judge: Admits or denies deportability. And uh, if he is admitting  
8 deportability, what relief he's seeking here. So, uh, we'll hold this  
9 case and take, take this after some of the others.

10 Clark: Okay. Thank you Your Honor.

11 Judge: Thank you.

12 Judge: Okay. We're back and I reckon you've had the opportunity now to  
13 talk with your client about the, ah, allegations here. Is that right?

14 Clark: Yes, Your Honor. I've had a, an opportunity to discuss the charges  
15 with him.

16 Judge: Okay.

17 Clark: And he does understand the nature of the charges and um,

18 Judge: Is he//

19 Clark: U/I

20 Judge: Okay. Thank you. Does he admit the allegations and the Order to  
21 Show Cause?

22 Clark: Yes, he does admit the allegations.

23 Judge: And concedes to be subject to potential deportation.

24 Clark: Yes, Your Honor.

1 Judge: Under 241-11. Now what country does your client wish to designate  
2 if he must be deported from the United States?

3 Clark: He does wish to designate Ecuador.

4 Judge: Alright.

5 Clark: As the country of deport.

6 Judge: Okay. And will he be applying for 212-C waiver?

7 Clark: Yes, Your Honor. He does seek ah, relief under 212-C.

8 Judge: Okay.

9 Clark: And request I-191.

10 Judge: Okay. I don't believe I have any of the forms here. You're gonna  
11 have to obtain, obtain them from the Immigration Service.

12 Clark: I did go downstairs and applied in vicinity 191.

13 Judge: You asked them to send them to you? They were all of them down  
14 there?

15 Clark: They don't have anymore.

16 Judge: Huh. Okay. What I'm going to ask that you do then uh, is uh, submit  
17 the application no later than December 15, 1989. Now if there's  
18 some problem filing it by that date because you've been unable to  
19 obtain the forms, please let me know so we can extend that date,  
20 because if it's not filed by this date and there are no extensions and  
21 I'm going to enter an order of deportation. Alright, so it's important  
22 that you get it in by that date.

23 Clark: Okay.

24 Judge: Now ah, how much time are you going to need on the hearing on the  
25 waiver?

1 Clark: We'll need approximately um, 3 hours for the hearing.

2 Judge: Okay. And do we need an interpreter for any of the witnesses?

3 Clark: No, Your Honor.

4 Judge: Okay. Get the date for the hearing? U/I my understanding that  
5 Spanish interpreter will be needed for the mother to testify, so we'll  
6 have one available here.

7 Clark: Okay.

8 Judge: Okay. The hearing will be on April 23, 1990 at 1:00 in the afternoon,  
9 setting aside 3 hours for the hearing. And it will be adjourned until  
10 then.